

NOV 1 2010

**STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION**

RECEIVED
STATE ELECTIONS

in re "Friends Of Keeley - 2008"

File No. 2009-114

**AGREEMENT CONTAINING CONSENT ORDER AND
PAYMENT OF A CIVIL PENALTY FOR VIOLATION OF
CONNECTICUT GENERAL STATUTES § 9-607 (f) &
REGULATIONS OF CONNECTICUT STATE AGENCIES § 9-706-1 (b)**

This Agreement, by and between Robert S. Barnes, of the City of Bridgeport, County of Fairfield, State of Connecticut and the authorized representative of the State Elections Enforcement Commission is entered into in accordance with Section 9-7b-54 of the Regulations of Connecticut State Agencies and Section 4-177 (c) of the General Statutes of Connecticut. In accordance herewith, the parties agree that:

1. Respondent Robert S. Barnes was at all relevant times the treasurer of "Friends Of Keeley - 2008," the candidate committee associated with Respondent Robert Keeley's unsuccessful candidacy for state representative in the 129th General Assembly district in the 2008 Democratic primary.
2. Mr. Keeley was a "participating candidate" in the Citizens Elections Program, as that term is defined in General Statutes § 9-703. The Commission approved the "Friends Of Keeley - 2008" application for a public financing grant.
3. Pursuant to the Commission's powers under General Statutes § 9-7b (a) (5), Commission staff sent a letter on or about December 18, 2008, to the Respondent treasurer requesting the contemporaneous detailed documentation of the "Friends Of Keeley - 2008" candidate committee for the purposes of an inspection of the campaign finance reports and an audit of the accounts and records of every campaign for the General Assembly during the 2008 cycle.
4. In a telephone call on or about January 6, 2009 and in an e-mail on or about January 12, 2009, the Respondent informed Commission staff that he had agreed to be an nominal treasurer only and that he did not have any of the records of the campaign. The Respondent asserts that he took only a passive role in the campaign, took no salary and had ceded control of the documents to his deputy treasurer, Chase Bolling, a compensated campaign worker.
5. After multiple communications by Commission staff to the Respondent treasurer, the deputy treasurer, the Respondent candidate and other individuals associated with the campaign, as well as considerable efforts on the part of the Respondent to locate his deputy treasurer after he moved to Rhode Island, materials—including, but not limited to internal records, cancelled checks, debit card slips and bank statements—were delivered to Commission staff via mail and in person on or about February 27, 2009 and March 6, 2009, by the deputy treasurer and the candidate, respectively.

6. After reviewing the materials, Commission staff determined that the Respondent had still failed to produce documentation substantiating twenty-two (22) separate items reported in the Itemized Campaign Finance Disclosure Statements (SEEC Form 30) of the candidate committee, totaling over \$18,727 in activity.
7. Upon request for the missing documentation the Respondent treasurer again maintained that he did not have possession of any of the documents related to the candidate committee, but that he had given this responsibility over to the deputy treasurer. The treasurer maintains that he took very little responsibility for the “day to day” responsibilities of the campaign, including, but not limited to the preservation of contemporaneous detailed documentation substantiating the financial activity of the committee.
8. Subsequent to the above requests and pursuant to a subpoena issued from the Commission, the candidate, not the Respondent treasurer, substantially compiled and produced the documentation missing from the initial disclosures by the campaign. After these efforts by the candidate, documents substantiating all but three items were produced; the only outstanding remaining items were one \$50 cash item and two salary payments to the deputy treasurer totaling \$1,390.
9. General Statutes § 9-607 (f) concerns the treasurer’s responsibility for preserving the internal documents of the committee and reads, in pertinent part:

“The campaign treasurer shall preserve all internal records of transactions required to be entered in reports filed pursuant to section 9-608 for four years from the date of the report in which the transactions were entered. Internal records required to be maintained in order for any permissible expenditure to be paid from committee funds include, but are not limited to, contemporaneous invoices, receipts, bills, statements, itineraries, or other written or documentary evidence showing the campaign or other lawful purpose of the expenditure. . . . In the case of a candidate committee, the campaign treasurer or the candidate, if the candidate so requests, shall preserve all internal records, cancelled checks, debit cards slips and bank statements for four years from the date of the last report required to be filed under subsection (a) of section 9-608;. . . (Emphasis added.)

10. Section 9-706-1 (b) of the Regulations of Connecticut State Agencies requires that documentation substantiating any expenditure be made at the time of the expenditure, and reads, in pertinent part:

The absence of contemporaneous detailed documentation indicating that an expenditure was made to directly further the participating candidate’s nomination for election or election shall mean that the expenditure was not made to directly further the participating candidate’s nomination for election or election, and thus was an impermissible expenditure. Contemporaneous detailed documentation shall mean documentation which was

created at the time of the transaction demonstrating that the expenditure of the qualified candidate committee was a campaign-related expenditure made to directly further the participating candidate's nomination for election or election to the office specified in the participating candidate's affidavit certifying the candidate's intent to abide by Citizens' Election Program requirements. Contemporaneous detailed documentation shall include but not be limited to the documentation described in section 9-607(f) of the Connecticut General Statutes. . . . (Emphasis added.)

11. The Commission finds as an initial matter that it was the Respondent treasurer's responsibility to timely produce, either personally or through a surrogate, the contemporaneous detailed documentation to the Commission upon request. A treasurer's inability to *timely produce* such records upon request of the Commission constitutes sufficient evidence that the treasurer failed to meet his responsibility of preserving the records, in violation of the aforesaid statute and regulation.
12. Here, the Respondent treasurer was unable to produce a single document related to the "Friends of Keeley - 2008" campaign upon request of the Commission. He relied entirely on his deputy treasurer to preserve the records and had no knowledge as to whether those records were well-kept. It took nearly three months for the Commission staff to receive the incomplete submission and only then by dint of the candidate's intervention. Furthermore, the deputy treasurer, presumably the Respondent treasurer's keeper of records, was unable to produce over twenty-two (22) separate documents, such as receipts and leases, totaling well over \$18,727 in activity. Thus, the only reflection of this activity is in the bank statements and the Itemized Campaign Finance Statements.
13. By the Respondent treasurer's own admission, and in consideration of the nearly three month gap between request and production, the Commission finds that the Respondent treasurer violated General Statutes § 9-607 (f) and § 9-706-1 (b) of the Regulations of Connecticut State Agencies by failing to have sufficient control of or timely produce any of the contemporaneous detailed documentation of the "Friends of Keeley - 2008" candidate committee.
14. Furthermore, the Commission finds that even if the aforesaid production had been timely, neither the Respondent treasurer, nor any agent of the campaign was able to produce original contemporaneous detailed documentation for the twenty-two (22) items, as set forth above, totaling over \$18,727 in activity. The Commission finds that the above is also sufficient evidence that the Respondent treasurer violated General Statutes § 9-607 (f) and § 9-706-1 (b) of the Regulations of Connecticut State Agencies by failing to preserve the contemporaneous detailed documentation of the "Friends of Keeley - 2008" candidate committee for those twenty-two (22) items reported in its Itemized Campaign Finance Disclosure Statement.
15. The Respondent waives:
 - a. Any further procedural steps;

- b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, separately stated; and
- c. All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered into pursuant to this Agreement.

16. Upon the Respondent's compliance with the Order hereinafter stated, the Commission shall not initiate any further proceedings against him pertaining to this matter.

ORDER

IT IS HEREBY ORDERED that Respondent Robert S. Barnes shall pay a civil penalty of \$300 and will henceforth strictly comply with the requirements of Connecticut General Statutes § 9-607 (f) and § 9-706-1 of the Regulations of Connecticut State Agencies.

The Respondents:



Robert S. Barnes
2625 Park Ave
Bridgeport, CT

For the State of Connecticut:

BY: 

Shannon C. Kief, Esq.
Legal Program Director
& Authorized Representative of the
State Elections Enforcement Commission
20 Trinity St., Suite 101
Hartford, CT

Dated: 11-22-10

Dated: 11-19-10

Adopted this 15th day of Dec. of 2010 at Hartford, Connecticut



Stephen F. Cashman, Chairman
By Order of the Commission